

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES EDKINS,

Plaintiff,

Case No. 15-cv-10615

Hon. Matthew F. Leitman

v.

UNITED STATES OF AMERICA *et al.*,

Defendants.

ORDER (1) ADOPTING REPORT AND RECOMMENDATION (ECF #26)
(2) GRANTING JOINT MOTION TO DISMISS AS DEFENDANT
MATTHEW SCOTT DUBOIS (ECF #21); AND (3) DENYING MATTHEW
SCOTT DUBOIS'S MOTION TO DISMISS (ECF #13) AS MOOT

On June 9, 2015, Defendant Matthew Scott Dubois, D.D.S., (“Dr. Dubois”) filed a motion to dismiss the claims Plaintiff Charles Edkins (“Edkins”) had brought against him. (*See* ECF #13.) On September 4, 2015, Dr. Dubois and Edkins filed a joint motion to dismiss Dr. Dubois as a Defendant in this action (the “Joint Motion to Dismiss”). (*See* ECF #21.) On September 30, 2015, Magistrate Judge R. Steven Whalen issued a Report and Recommendation (“R&R”) recommending that the Court grant the Joint Motion to Dismiss. (*See* ECF #26.) The R&R stated that the parties to this action could object to and seek review of the recommendation within fourteen days. (*See id.* at 2-3, Pg. ID 221-222.)

No party has objected to the R&R. Failure to file objections to the R&R waives any further right to appeal. *See Howard v. Sec'y of Health and Human Servs.*, 932 F.2d 505 (6th Cir.1991); *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir.1987). Likewise, the failure to object to the Magistrate Judge's R&R releases the Court from its duty to independently review the matter. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985). The Court has nevertheless reviewed the R&R and agrees with the findings and conclusions of the Magistrate Judge.

Therefore, **IT IS HEREBY ORDERED** that the Magistrate Judge's September 30, 2015, Report and Recommendation (ECF #26) is **ADOPTED** as the Opinion of this Court. **IT IS FURTHER ORDERED** that for the reasons stated in the R&R, the Joint Motion to Dismiss (ECF #21) is **GRANTED**, and all claims brought against Dr. Dubois are **DISMISSED WITH PREJUDICE**.¹ **IT IS FURTHER ORDERED** that Dr. Dubois's Motion to Dismiss (ECF #13) is **DENIED AS MOOT**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: November 12, 2015

¹ All claims Plaintiff has brought against Defendants United States of America and Scott Kevin Dubois, D.D.S., remain pending.

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 12, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113